File USS Liberty

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RUDLYD/USDAO LONDON
RUFPC/USDAO PARIS
RUFMCP/USDAO MOSCOW

DEPARTMENT OF STATE A/CDC/MR
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C O N F I D E N T I A L 0928/1 JUN 67
SECTION 1 OF II.
SUBJECT: ISRAELI COURT OF INQUIRY IN USS LIBERTY INCIDENT.
1. ALUSNA CALLED TO FLO EVENING 17 JUNE. LTC EFRAT, AIDE TO GENERAL RABIN, IDF COS STATED FOLLOWING:
A. GEN RABIN EXTENDS HIS PERSONAL REGRETS TO THE CNO USN FOR THE SAD MISTAKE OF THE USS LIBERTY INCIDENT.
B. GEN RABIN DECIDED TO PROVIDE VIA ALUSNA A SYNOPSIS OF THE FINDINGS OF IDF COURT OF INQUIRY ALTHOUGH THOSE FINDINGS HAVE NOT YET RECEIVED FINAL REVIEW FROM COL SHINGAR, THE IDF JAG.
C. AFTER REVIEW AND TRANSLATION TO ENGLISH, A FULL TRANSCRIPT OF THE FINDINGS OF THE IDF COURT OF INQUIRY WILL BE TRANSMITTED TO THE USG EITHER THROUGH AMEMBASSY TEL AVIV, OR ISRAELI EMBASSY, WASHINGTON, D. C.
2. THE SYNOPSIS OF THE FINDINGS OF THE IDF COURT OF INQUIRY AS TAKEN DOWN VERBATIM BY ALUSNA FROM COL EFRATS ORAL PRESENTATION IS AS FOLLOWS: QUOTE
"A. IT IS CONCLUDED CLEARLY AND UNIMPEACHABLY FROM THE EVIDENCE AND FROM COMPARISON OF MAPS, ETC. THAT THE ATTACK ON USS LIBERTY WAS NOT IN MALICE; THERE WAS NO CRIMINAL NEGLIGENCE AND THE ATTACK WAS MADE BY INNOCENT MISTAKE.

IDENTIFICATION OF LIBERTY EARLY THE SAME MORNING DID NOT CONNECT LIBERTY WITH THE UNIDENTIFIED SHIPS SAID TO BE SHELLING EL ARISH. THE IDF NAVY IS NOT RESPONSIBLE FOR THE MISTAKEN REPORT OF SHELLING AND THE REASONS FOR THE MISTAKEN REPORT ARE OUTSIDE THE SCOPE OF THE INQUIRY AT HAND. THE NAVY AND AF HQS TOOK THE REPORTS AT FACE VALUE.

SECOND MISTAKE, WHICH WHEN ADDED TO FIRST RESULTED IN AIRCRAFT ATTACK ON LIBERTY, WAS A MISTAKEN REPORT THAT LIBERTY WAS STEAMING AT 30 KNOTS. THIS MISTAKE HAS TWO SIGNIFICANCES. A. WHEN LIBERTY WAS IDENTIFIED IN MORNING, HER MAX SPEED WAS DETERMINED FROM JANES FLIGHTING SHIPS TO BE 18 KNOTS. THEREFORE, EVEN IF THE UNIDENTIFIED SHIP WERE THOUGHT TO BE LIBERTY, THE FACT THAT SHE WAS REPORTED TO BE MAKING 30 KNOTS WOULD HAVE DENIED THE IDENTIFICATION.

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P. IN ACCORDANCE WITH IDF NAVY STANDING ORDERS, AN ENEMY SHIP IN ANY WATERS WHICH IS ATTACKING ISRAELI SHIPS OR SHELLING THE ISRAELI SHORE MAY BE ATTACKED. IF THERE IS INFO OF ENEMY SHIPS IN THE AREA, ANY SHIP OR SHIPS DISCOVERED BY RADAR WHICH ARE DETERMINED TO BE CRUISING AT A SPEED ABOVE 20 KNOTS MAY BE CONSIDERED AN ENEMY. SINCE THE SPEED OF THE UNIDENTIFIED SHIP WAS FIXED AT 28 TO 30 KNOTS, HTHE IDF NAVY WAS ENTITLED TO ATTACK WITHOUT FURTHER IDENTIFICATION IN VIEW OF THE BACK-GROUND OF INFO ON THE SHELLING OF EL ARISH. IDF NAVAL OPS SECTION HAD ORDERED THE MTB'S WHO REPORTED LIBERTYS SPEED AS 30 KNOTS TO RECHECK AND ONLY AFTER CONFIRMATION OF THAT SPEED WAS THE INFO CONSIDERED RELIABLE AND AIRCRAFT WERE SENT TO ATTACK. THE QUESTION OF POSSIBLE NEGLIGENCE IN ESTABLISHING THE SPEED AT 28-30 KNOTS WHEN IN FACT LIBERTY'S MAX SPEED IS 18 KNOTS IS DISCOUNTED BY THE IDF CNO WHO TESTIFIED QUOTE THAT SUCH ESTIMATIONS REQUIRE EXPERTISE. IN AN MTB THERE MAY BE GREAT DISCREPANCIES IN FIXING THE SPEED OF A VESSEL MOVING IN FRONT OF IT, ESPECIALLY IF THE ESTIMATE WAS MADE ONLY OVER A SHORT INTERVAL OF TIME. IT IS QUITE FEASIBLE THAT THERE MAY BE SUCH A MISTAKE EVEN IF YOU MEASURE IT TWICE OR MORE UNQUOTE. AS A RESULT OF THE INCIDENT MAYBE THE STANDING ORDER

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SHOULD BE RECONSIDERED BUT NO CRIMINAL NEGLIGENCE IS FOUND IN THE MTB'S FIXING OF LIBERTY'S SPEED.

THIRD MISTAKE CAUSED EXECUTION OF THE SECOND STAGE OF ATTACK ON LIBERTY, THIS TIME WITH TORPEDOS FROM MTB'S. THIS WAS THE MISTAKEN IDENTIFICATION OF LIBERTY AS THE EGYPTIAN SUPPLY SHIP EL QUSEIR. HERE I (THAT IS, THE OFFICER CONDUCTING THE INQUIRY AND LTC EFRAT IDENTIFIED PARENTHETICALLY AS COL RAM RON, FORMER ISRAELI MILITARY ATTACHE TO WASHINGTON, D.C.) MUST STATE MY DOUBTS WHETHER THE IDENTIFICATION WAS NOT DONE WITH A CERTAIN OVEREAGERNESS AS THIS HAPPENED WHEN SERIOUS DOUBTS WERE ALREADY BEGINNING TO ARISE AS TO THE IDENTIFICATION AS AN EGYPTIAN SHIP. IT HAS BEEN ESTABLISHED BY THE EVIDENCE OF THE C.O. OF MTB DIV THAT THE DOUBTS WHICH HAD BEGUN TO ARISE IN THE PILOTS AS TO THEIR ACCURACY OF IDENTIFICATION DID NOT GET TO THE C.O. OF THE MTB DIV AT THAT TIME, BUT HE ALREADY KNEW THAT THE SHIP WAS NOT A DESTROYER BUT A SUPPLY OR MERCHANT SHIP AND THIS SHOULD HAVE CAUSED EXTRA CAREFULNESS IN IDENTIFICATION. ON THE OTHER HAND, I (AGAIN COL RAM RON) MUST STATE THE EXTENUATING CIRCUMSTANCES AND DIFFICULTIES OF IDENTIFICATION UNDER THE FOLLOWING CONDITIONS:

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RUEDPSA/UNCSTRIKE
RUDLYD/INCNAVEUR
RUEKDA/WCS
INFO RUEPJS/DIA
RUEHDT/USUN
RUEPEW/MINCEUR-USEUCOM
RUTPRN/CTG SIX ZERO PT TWO
RUEPEW/SACE
RUEPAC/CINCUSAREUR
RUTVRE/CTG SIX ZERO
RUDLYD/USDAO LONDON
RUEJO/USDAO PARIS
RUEHCR/USDAO MOSCOW

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FINAL SECTION OF TWO.
(1) SHIP WAS COVERED WITH THICK SMOKE. (2) WHEN ASKED TO IDENTIFY ITSELF, THE SHIP DID NOT DO SO AND BEHAVED SUSPICIOUSLY. (3) IT APPEARED TO THE DIVCOM THAT THERE WAS A GUN ON THE FORE-J CASTLE OF THE SHIP AND THAT THE SHIP WAS FIRING TOWARD THE MTB'S. THESE OBSERVATIONS WERE RECORDED IN THE WAR DIARY AT THE TIME OF ACTION.

4. IF WE ADD TO THESE FACTORS THAT UNDER THE CIRCUMSTANCES WHEN THE SHIP WAS COMPLETELY COVERED WITH SMOKE THERE WAS, IN FACT, APPARENTLY A GREAT SIMILARITY BETWEEN IT AND EL QUSEIR, U TWO OFFICERS, A CDR AND A LT ON TWO DIFFERENT MTB'S WHO HAD NO COMMUNICATIONS BETWEEN THEM BOTH IDENTIFIED THE SHIP AT THE SAME TIME AS EL QUSEIR. THE IDF CNO DECIDED THAT ON THE BASIS OF REPORTS ON HAND THAT THIS IDENTIFICATION WAS FEASIBLE. THEREFORE I (AGAIN CCL RCND) HAVE COME TO THE CONCLUSION THAT THERE WAS CERTAINLY NO CRIMINAL OR SERIOUS NEGLIGENCE IN THIS CASE. FINALLY I (CCL RCND) HAVE TO ADD THAT A GRAVE ADDITIONAL MISTAKE NOT LESS DECISIVE THAN THE THREE ABOVE MISTAKES WAS MADE BY IDF WAS MADE BY THE LIBERTY ITSELF. ON THIS QUESTION, I CCCL RCND HAVE THE EVIDENCE OF THE IDF CNO AND JAG

A WHICH WAS A STATE OF WAR AND THIS A TIME WHEN IT WAS WELL KNOWN THAT THIS AREA IS NOT ONE WHERE SHIPS GENERALLY PASS, THIS WITHOUT ADVISING THE ISRAELI AUTHORITIES OF ITS PRESENCE AND WITHOUT IDENTIFYING ITSELF FLAGRANTLY. FURTHERMORE, IT APPEARS THAT THE SHIP MADE AN EFFORT TO HIDE ITS IDENTITY FIRST BY FLYING A SMALL FLAG WHICH WAS DIFFICULT TO IDENTIFY FROM A DISTANCE; W SECONDLY BY BEGINNING TO ESCAPE WHEN DISCOVERED BY OUR FORCES AND WHEN IT WAS AWARE OF THE FACT THAT IT HAD BEEN DISCOVERED, THIRDLY BY FAILING TO IDENTIFY ITSELF IMMEDIATELY BY ITS OWN INITIATIVE BY FLASHING LIGHT AND BY REFUSING TO DO SO EVEN WHEN ASKED BY THE MTB'S. FROM ALL THIS I (VOL ROD) CONCLUDE THAT THE SHIP LIBERTY TRIED TO HIDE ITS PRESENCE IN THE AREA AND ITS IDENTITY BOTH BEFORE IT WAS DISCOVERED AND EVEN AFTER HAVING BEEN ATTACKED BY THE AF AND LATER BY THE NAVY AND THUS CONTRIBUTED A DECISIVE CONTRIBUTION TOWARD ITS IDENTIFICATION AS AN ENEMY SHIP." END QUOTE.D

COMMENTS: 1. ALL ABOVE IS AS DICTATED BY LTC EFRAT WHO WAS TRANSLATING FROM A DOCUMENT WRITTEN IN HEBREW.

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2. LTC EFRAT PAUSED AT ONE POINT IN HIS READING TO POINT OUT THE COI HAD RECEIVED A STATEMENT FROM USD SAYING THAT LIBERTY HAD BEEN IDENTIFIED SIX HOURS PRIOR TO THE ATTACK RATHER THAN ONE HOUR AS STATED IN AN EARLIER USD COMMUNICATION.D

3. LTC EFRAT PROBABLY NOTED ALUSNA'S APPEARANCE OF SURPRISE AND INCREDULITY AS HE READ OFF SOME OF THE ABOVE POINTS. WHEN HE FINISHED HIS READING HE ASKED WHAT ALUSNA THOUGHT OF THE FINDINGS QUOTE OFF THE RECORD UNQUOTE. ALUSNA PRETENDED HE HAD NOT HEARD THE QUESTION AND THANKED THE COLONEL FOR HIS TIME. THE BURDEN OF DIPLOMACY CORE HEAVILY ON ALUSNA WHOSE EVALUATIONS ARE:D

A. THE IDF NAVY STANDING ORDER TO ATTACK ANY SHIP MOVING AT MORE THAN 20 KNOTS IS INCOMPREHENSIBLE.

B. TWO OF THE IDF JUSTIFICATIONS FOR THEIR ACTION ARE MUTUALLY CONTRADICTORY. FIRST THEY SAY THAT SINCE THE SPEED OF THE UNIDENTIFIED WAS AS HIGH AS 30 KNOTS THEY COULD NOT HAVE THOUGHT IT WAS LIBERTY. THEN THEY SAY THE SHIP WAS PROBABLY IDENTIFIED AS EL QUSEIR." EL QUSEIR HAS A MAX SPEED OF 14 KNOTS, FOUR LESS THAN LIBERTY. IF THE QUOTE 30 KNOT SHIP COULDN'T HAVE BEEN LIBERTY UNQUOTE IT FOLLOWS IT ALSO COULDN'T HAVE BEEN EL QUSEIR.

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C. THAT A PROFESSIONAL NAVAL OFFICER OF THE RANK OF COMMANDER COULD LOOK AT LIBERTY AND THINK HER A 30 KNOT SHIP IS DIFFICULT TO ACCEPT.

D. THE SMOKE WHICH COVERED LIBERTY AND MADE HER DIFFICULT TO IDENTIFY WAS PROBABLY A RESULT OF THE IDF AF ATTACKS.

4. WHILE WALKING TO THEIR CARS, LTC EFRAT MENTIONED THAT KEN RABIN HAS NEVER BEEN SO ANGRY AS WHEN HE READ THE CURRENT NEWSWEEK MAGAZINE COMMENT ON THE LIBERTY INCIDENT. ALUSNA REMARKED THAT HE TOOK NO NOTICE OF NEWS MEDIA REPORTING ON THE INCIDENT.

5. ALUSNA WAS CALLED TO FLO EARLIER IN THE DAY TO RECEIVE A COPY OF IDF CHO LETTER OF REGRET AND CONDOLENCE TO CNO USN. ALUSNA WAS INFORMED THAT THE ISRAELI MILITARY ATTACHE IN WASHINGTON, D.C. WILL DELIVER THE ORIGINAL TO ADM MCDONALD.

6. COORDINATED WITH EMBASSY. GP-3.

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